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ASSISTANT WHIP



Congress of the United States
House of Representatives
Washington, DC 20515

December 15, 2009

JERROLD NADLER

8TH DISTRICT, NEW YORK

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The Honorable Pete Grannis
Commissioner
New York State Department of Conservation
625 Broadway
Albany, NY 12233

Dear Commissioner Grannis:

I am writing in opposition to the New York State Department of Environmental Conservation's (DEC) pending proposal to advance hydraulic fracturing for industrial gas drilling within the Catskill/Delaware watershed boundary.

As you know, New York City and Westchester County receive the overwhelming amount of fresh water from six upstate reservoirs in the Catskill Mountains. These six reservoirs provide more than 1.2 billion gallons per day of water to the downstate region, and provide drinking water to 9 million New Yorkers. Safeguarding the lands within the roughly one million acre watershed boundary has been one of New York's top public health and environmental priorities for nearly two decades.

Because of its historically high water quality, the New York City/Westchester County water supply has been able to secure a waiver from the federal Safe Drinking Water Act requirement that all surface water supplies be filtered. As a condition for securing a federal waiver from the filtration requirement, New York City has been required to implement a comprehensive watershed protection program. New York City has spent over \$1.5 billion on this program, which is designed to keep pollution out of the reservoirs, rather than rely on post-pollution clean-up.

Unfortunately, the DEC's proposal that would advance hydraulic fracturing throughout the Marcellus Shale, including on lands within the Catskill/Delaware watershed boundary, presents a serious threat to the entire water system. At each individual wellhead, millions of gallons of water, combined with more than 260 chemicals, would be injected under high pressure deep underground to release natural gas trapped between the fissures of the Marcellus Shale. One concern is that this process requires securing a large amount of clean water for multiple drilling attempts throughout the State. Even more worrisome are the threats to water quality posed by hydraulic fracturing, such as the need to dispose of contaminated wastewater withdrawn at the end of drilling operations,

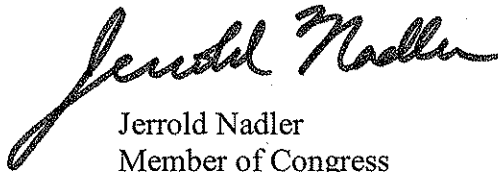
the chemical fluid that remains underground and could migrate into local water sources, and the risk of a drilling mishap that could contaminate a portion of the watershed.

The adverse consequences could be financial as well as ecological. If the watershed becomes contaminated, New York City and Westchester County might have to advance filtration of the Catskill/Delaware water supply. New York City estimated the cost of constructing such filtration facilities at \$10 billion or more in capital costs and over \$100 million per year in operating costs. This would inevitably lead to increased water rates for downstate consumers. This is simply unacceptable, especially given the current economic climate and the budget shortfalls facing state and local governments.

I respectfully request that you end the fast-track review of the current generic environmental statement on hydraulic fracturing in New York State, and initiate a new environmental review process that will fully protect public drinking water resources around the state from the risks of hydraulic fracturing. I also urge you to ensure that any final gas drilling rule or program in New York State include a blanket prohibition on hydraulic fracturing within the unfiltered Catskill/Delaware watershed, which supplies clean drinking water to nine million New York residents. The risks are simply too great to subject this invaluable resource to the dangers of gas drilling under any circumstances.

I am confident that we can find the right balance between the desire to advance industrial gas drilling and the need to safeguard the state's public drinking water supply. I stand ready to work with you in the coming months to achieve such an outcome for the benefit of all New Yorkers.

Sincerely,

A handwritten signature in black ink, reading "Jerrold Nadler". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Jerrold Nadler
Member of Congress